



## **SPECIAL CONDITIONS OF EMPLOYMENT NON-CIVILIAN PUBLIC SAFETY EMPLOYEES**

1. **PURPOSE:** The purpose of this policy shall be to reduce and/or prevent premature death and/or disability due to respiratory disease, heart disease and/or hypertension that are related to smoking and/or cardiovascular risk factors.
2. **POLICY:** The General Assembly of the Commonwealth of Virginia has enacted certain State Statutes providing that for purposes of disability retirement, the death of or any condition of impairment of health of any firefighter, police officer or a deputy sheriff caused by hypertension or heart disease and resulting in total or partial disability shall be presumed to have been suffered in the line of duty unless contrary is shown by a preponderance of competent evidence. State law also provides that for purposes of disability retirement, the death or any condition or impairment of health of any firefighter caused by respiratory disease, hypertension or heart disease resulting in total or partial disability shall be presumed to have been suffered in the line of duty unless the contrary is shown by a preponderance of competent evidence. These presumptions are also applicable to applications for Workers' Compensation. Sections 65-2-402, 15.2 - 1511, 27-90.1, and 51-1-813, Code of Virginia.

Because medical experts have directly linked smoking to heart disease, hypertension and lung disease and protection of the public health, safety and welfare dictates that firefighters, police officers and sheriff deputies employed by the City of Roanoke (hereinafter referred to as the "City") be in excellent physical and mental condition to meet the challenging physical and mental demands of their positions, the City has established the following Special Conditions of Employment, which shall be applicable only to police officers and firefighters/EMT's hired on or after August 1, 1989 and to sheriff deputies hired on or after April 15, 1991.

### **3. SPECIAL CONDITIONS OF EMPLOYMENT:**

As a condition of employment, a public safety officer in the Police Department, Fire/EMS Department or the Sheriff's Department, (hereinafter referred to as "public safety officer" or "officer"), so long as he or she remains in the employ of the City, shall:

- A. Not smoke or use any tobacco products, including, but not limited to, cigarettes, cigars, pipes, chewing tobacco or snuff at any time, on or off duty, while in the employ of the City.

Determination of tobacco use may be made by one of the following methods: officer admission, verified observation and reporting of tobacco use by another City employee, and/or a positive urine nicotine screen. Random unannounced nicotine screens may be conducted.

Officer use of tobacco products shall subject such officer to disciplinary action in department policy as follows:

- a first offense will require a written reprimand
- a second offense will require a one day suspension
- a third offense will require a three day suspension
- a fourth offense will require termination.

- B. Not possess any illegal drug, narcotic or controlled substance except pursuant to prescription, sell any illegal drug, narcotic or controlled substance or abuse any prescription drug.
- C. Maintain officer's physical condition to conform to the standards set forth in this subparagraph. If the officer's weight exceeds the maximum weight set forth below, the officer's body fat will be evaluated. If the body fat exceeds the applicable percentage set forth below, the officer will be determined to be out of compliance with this requirement.

#### BODY WEIGHT

MALES		FEMALES	
Height	Weight	Height	Weight
5'4"	131-163	5'0"	109-138
5'5"	134-167	5'1"	112-141
5'6"	138-173	5'2"	115-144
5'7"	143-178	5'3"	118-149
5'8"	147-183	5'4"	121-152
5'9"	151-187	5'5"	125-156
5'10"	155-193	5'6"	129-161
5'11"	160-198	5'7"	133-165
6'0"	164-204	5'8"	137-169
6'1"	169-209	5'9"	141-174
6'2"	174-215	5'10"	145-179
6'3"	178-220	5'11"	149-185
6'4"	188-231	6'0"	153-190
6'5"	192-238		

### **BODY FAT**

<b><u>Age</u></b>	<b><u>18-27</u></b>	<b><u>28-39</u></b>	<b><u>40-49</u></b>	<b><u>50+</u></b>
<b>Male</b>	<b>23%</b>	<b>25%</b>	<b>27%</b>	<b>29%</b>
<b>Female</b>	<b>30%</b>	<b>32%</b>	<b>34%</b>	<b>34%</b>

**Officers may be referred at any time by the department manager and/or a designee to the Occupational Health Clinic if weight has become a concern in performance of the essential job functions for that officer.**

**Officers who do not meet the weight/ body fat requirements will be medically evaluated by the Occupational Health Clinic (OHC) medical staff. If there is no valid medical reason the officer cannot lose weight, such officer will be advised on weight reduction methods and proper nutrition by OHC medical staff. If there is a medical reason the officer cannot lose weight as determined by the City Physician, the officer may be exempted from the weight/body fat requirement or may be recommended for an alternative program.**

**Officers who are not medically exempt, as specified above, will be required to lose weight. Specific weight loss goals will be established by the OHC and monitored on at least a monthly basis. If the officer fails to meet any monthly weight loss goal, he/she will be referred back to the applicable department for counseling and/or disciplinary action. If an officer is not in compliance with either the weight or body fat standard within 12 months of the original date of non-compliance, he/she may be subject to a fitness for duty examination to determine the officer's ability to perform essential job functions.**

**Consistent with the requirements of job-relatedness and business necessity, the City shall have the option at any time to refer a officer for a Fitness for Duty Evaluation. The Fitness for Duty evaluation will be performed by the city physician or some other health-care provider selected and paid for by the City.**

**Termination for failure to meet the body fat requirements shall not be considered a disability for purposes of retirement under the City of Roanoke Pension Plan.**

**4. MANDATED ANNUAL CHECK FOR WEIGHT AND TOBACCO USE:**

The officer shall be required to submit annually to the following: (1) a urine nicotine screen for use of any tobacco products and (2) weight/percent body fat check for compliance with the weight requirements.

**5. MANDATORY PHYSICALS:**

Public safety physical examinations are required in order to assist officers in maintaining their health and identify early abnormal findings and/or risk factors that may lead to premature death or disability.

The frequency of the mandated physicals is determined by the officer's age as follows:

**18-29 Every three years;      30-39 Every two years;      40+ Every year**

In addition to mandatory physicals based on age, a department manager or supervisor may require any public safety officer to be given a physical should there be a concern regarding the officer's ability to perform the essential functions of his/her job.

Any officer who is identified by the City Physician to have an abnormal finding/s and/or any significant health risk factor may be referred by the City Physician to a specialist for further medical evaluation.

During the period of "further medical evaluation" the City Physician may place the officer off work or assign the officer to modified duty, subject to approval of the department head. The City of Roanoke will pay for the cost of any referrals made by the City Physician. If the City Physician has referred the officer to a specialist the specialist's report and recommendations must be reviewed and evaluated by the City Physician.

Any officer who is evaluated by the City Physician and/or referred for further medical evaluation and is diagnosed with a medical condition that requires further medical treatment shall comply with any treatment recommendations made by either the City Physician, a specialist and/or personal physician in order to return to duty.

Failure of any public safety officer to correct or improve the medical condition or finding, if it is correctable, or to adhere to any prescribed treatment recommendations may result in disciplinary action up to and including termination.

The officer shall be required biannually or annually to submit to a physical examination to ensure the officer is in compliance with the treatment recommendations and in control of the diagnosed medical condition/s.



**6. OTHER CONDITIONS:**

The conditions, requirements and standards established by these Special Conditions are in addition to the conditions, standards, requirements imposed upon general employees of the City. An officer shall comply with all provisions and resolutions of City Council, Personnel Operating Procedures and other regulations of the City and all department regulations and policies.

**7. DURATION OF SPECIAL CONDITIONS:**

The City is committed to reviewing its personnel policies, procedures, Special Conditions, standards and benefits continually. The Special Conditions, standards, and requirements set out in this document are subject to change by the City at any time. An officer shall, upon establishment of revised Special Conditions be required to comply with such revised Special Conditions and will be advised by mail in writing and by the provision of a copy of the revised Special Conditions to the officer at least ninety (90) days prior to the effective date of the revised Special Conditions. During that ninety (90) day period, the officer is required to continue to comply with the current Special Conditions.

**8. UNDERSTANDING:**

I certify that I have read and that I understand these Special Conditions applicable to the position for which I have applied. I agree to abide by and comply with such Special Conditions.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
S.S.# of Applicant/Officer

\_\_\_\_\_  
A d d r e s s o f  
Applicant/Officer

Copy Received by Officer ☐

Revised: 8/28/00